

**CITY OF FLANDREAU**  
**1005 W. Elm Avenue**  
**Flandreau, SD 57028-1404**

**COUNCIL PROCEEDINGS**  
**September 21<sup>st</sup>, 2020**

The City Council of the City of Flandreau, South Dakota, met in regular session on Monday, September 21<sup>st</sup>, 2020 at 6:30 p.m. at the William J. Janklow Community Center.

Present: Mayor Dan Sutton. Aldermen: Brad Bjerke, Mark Ekern, Mike Fargen, Bob Pesall, Karen Tufty, and Jason Unger (6:33 p.m.). Absent: None. Also present were City Administrator Jeff Pederson; Finance Officer Karen Gundvaldson; City Attorney Corey Bruning; and Jeff Weigel, Rudy's Welding Shop.

The proposed agenda was reviewed. Motion by Pesall and seconded by Fargen to adopt the proposed agenda. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, and Tufty. Nays: None. Absent: Unger. Motion carried.

Motion by Tufty and seconded by Bjerke to approve the minutes of September 8<sup>th</sup>, 2020. The following members voted aye: Bjerke, Ekern, Fargen, and Tufty. Nays: None. Abstain: Pesall. Absent: Unger. Motion carried.

Motion by Ekern and seconded by Fargen to allow the following claims for the City and to pay them: Payroll 9/9/2020: general, 17,216.60; 3<sup>rd</sup> penny, 241.11; water, 3,858.14; electric, 5,934.24; sewer, 3,456.50; airport, 152.49; solid waste, 650.77; (21645) Big Sioux Comm Water System, water usage, 132.60; Brooke Jaacks, deposit refund, 250.00; Bruning & Lewis Law Firm, professional fees, 1,462.50; Cannon Technologies, electric meters, 6,303.60; Dan Quick, rebate check, 250.00; Dan Sutton, supplies, 96.72; David Schliinz, supplies, 303.51; Ekern Home Equipment, repairs/supplies, 63.97; Ferguson Waterworks, 369.31; GreatAmerica Financial Svcs, contract, 195.05; Heiman, supplies, 17.20; Helms & Associates, professional fees, 19,406.73; Hillyard/Sioux Falls, supplies, 224.56; Krull's Garage, repairs/supplies, 100.99; M & T Fire and Safety, supplies, 207.84; MC & R Pools, supplies, 4,704.95; Midwest Radar & Equipment, repairs, 160.00; Ottertail Power Company, electric, 226.93; Patriot Electric, repairs/supplies, 196.41; Pitney Bowes-Leasing, qtly charges, 504.63; Postmaster, supplies, 265.00; Pulscher Brothers, repairs, 1,020.41; Ramsdell F&M, rentals, 35.00; Rivers Edge Cooperative, gas/oil, 823.40; Ryan Sherman, safety glasses, 250.00; SD Supplemental Retirement Plan, retirement, 392.31; Sparkle Car Wash, wash vehicles, 74.93; Steve Ziebarth, rebate check, 250.00; T & R Electric Supply Co., repairs, 255.00; Tawny Brewer, deposit refund, 250.00; Vadim Municipal Software, contract, 5.36; (21675). August EFTs: Dakotacare, health insurance, 17,908.94; EFTPS, taxes, 19,278.27; Missouri River Energy Services, energy cost, 170,364.14; SD State Treas-Sales Tax, taxes, 10,267.33; US Dept. of Agriculture, water bond payment, 3,381.00; US Dept. of Agriculture, 2019 water & sewer payment, 21,487.00. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, and Tufty. Nays: None. Absent: Unger. Motion carried.

There were no Visitors to be Heard.

Mayor Sutton informed Council that wireless lapel microphones have been ordered in an effort to improve the sound quality of live-streamed Council meetings. The Mayor and Alderman Ekern attended the virtual MRES Leadership Academy last week along with City Administrator Pederson. The sessions were very informative. The Mayor shared that he will be presenting a list of members for a Cemetery Task Force for Council to approve in the near future. As space in the existing cemetery is limited, the Task Force, upon direction from the Mayor and City Administrator, will research a layout plan for the adjacent land to the west of the cemetery that will be implemented next spring. The Mayor indicated that he will be working with City Administrator Pederson regarding negotiations of land purchase for the new Fire Hall beginning with the top three sites selected by the Fire Hall Site Selection Task Force.

City Administrator Pederson informed Council that an electric line loss review was recently conducted using data since completion of the electric underground project. Line loss was calculated at 3.36%; prior to the electric upgrades the line loss was at 7% (high end average for line loss is 5%). MRES has begun a “time of use” rate study for Flandreau that will use data collected over a 12-month period of time beginning in June 2021. MRES, as a supplemental electric supplier for the City, will be implementing “time of use” rates beginning January 2023. The AMI project already underway will be completed and the ability to track customer time of use will greatly benefit the City when new MRES rates go into effect.

Motion by Unger and seconded by Ekern to approve the Administrative Reports. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, Tufty, and Unger. Nays: None. Absent: None. Motion carried.

Old Business: Second reading of Ordinance 600, 2021 Appropriation Ordinance, was conducted. Motion by Bjerke and seconded by Tufty to adopt Ordinance 600.

New Business: Motion by Pesall and seconded by Fargen to authorize the Mayor to sign the Grant Agreement with the South Dakota Department of Transportation for Airport Improvement Program (AIP) Project No 3-46-0077-011-2020 for an update to the Airport Master Plan. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, Tufty, and Unger. Nays: None. Absent: None. Motion carried.

Motion by Unger and seconded by Fargen to take the Appeal of Nuisance Violation by Rudy’s Welding Shop off the table for continuation of the September 8<sup>th</sup> Council meeting. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, Tufty, and Unger. Nays: None. Absent: None. Motion carried. City Attorney Corey Bruning began the discussion by providing information as requested by Council. Records regarding the 2001 court case are not complete based on how much time has lapsed. However, documentation is available regarding the court order that was discussed at the previous Council meeting, which states that the Weigels were required to remove all property in the public right of way, including the City’s boulevard, and discontinue using the right-of-way for the storage of motor vehicles or other items. Also ordered was the removal of property and vehicles used in connection with the business, along with numerous

other items from residential property. Bruning confirmed that the railroad property to the north of Rudy's Welding had been rezoned from residential to industrial as previously discussed. Bruning's opinion is that the Weigels are required to follow City ordinances and should remove all property from the public right-of-way.

Jeff Weigel responded and indicated he feels that nuisance violations do not apply to industrial property. He also stated the chain link fence was added to block view of the property within the fenced area. He questioned why the order is being enforced now when it has not been in the past.

More discussion ensued after which a motion was made by Unger and seconded by Pesall to close the discussion and move on to voting on whether or not to deny the appeal from Rudy's Welding.

Motion by Unger and seconded by Bjerke to grant the Appeal of Nuisance Violations made by Rudy's Welding Shop for those items within the fenced area of the business only, and deny the Appeal of Nuisance Violations made by Rudy's Welding Shop for all items outside of the fenced area in the public right-of-way, including the City's boulevard, requiring removal as such, as was also ordered in the Third Judicial Circuit Court Order dated October 22<sup>nd</sup>, 2001. Brief discussion was held and Mr. Weigel was allowed to briefly respond before voting on the motion took place. The following members voted aye: Bjerke, Ekern, Fargen, Pesall, Tufty, and Unger. Nays: None. Absent: None. Motion carried.

Council Comments: Alderman Pesall commented on the amount budgeted for training in the Police Department budget, noting that the full amount has not been used every year. He feels it wise and beneficial to use the full amount budgeted for department training. Police Chief Weber responded, indicating the budgeted amount is generally used to pay the City share for joint training with other enforcement agencies when a speaker is brought in and that a large majority of the remaining officer training is provided at no cost to the City.

The Mayor declared the meeting adjourned at 7:55 p.m.

Daniel D. Sutton  
Mayor

ATTEST:

Jeff Pederson  
City Administrator